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## FACSIMILE TRANSMISSION

Total # of Pages 13 (including this page)

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**From :** Stephen E. Reiter  
**Email Address :** sreiter@foley.com  
**Sender's Direct Dial :** 858.847.6711  
**Date :** October 25, 2004  
**Client/Matter No :** 088802-9702 (SALK3130-1)  
**User ID No :** 1877

## MESSAGE:

Re: United States Patent Application No. 10/658,115

Following are:

- 1) Response to the Notice of Incomplete Reply (Nonprovisional) (6 pgs.)
- 2) Petition Under 37 CFR 1.47(a) (2 pgs.)
- 3) Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47 (2 pgs.)
- 4) Petition for Extension of Time (1 pg.)
- 5) Copy of the Notice of Incomplete Reply (1 pg.)

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Atty. Dkt. No. SALK3130-1 (088802-9702)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Downes et al.

Title: NON-STEROIDAL FARNESOID  
X RECEPTOR MODULATORS  
AND METHODS FOR THE USE  
THEREOF

Appl. No.: 10/658,115

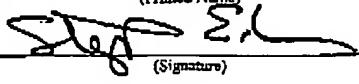
Filing Date: 09/08/2003

Examiner: Unknown

Art Unit: 1645

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to the  
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on the date below.

Stephen E. Reiter, Reg. No. 31,192  
(Printed Name)



October 25, 2004  
(Date of Deposit)

RESPONSE TO THE NOTICE OFINCOMPLETE REPLY (NONPROVISIONAL)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Incomplete Reply mailed July 16, 2004, attached hereto are the following to complete the formal filing requirements in the above-identified application:

1. Petition Under 37 CFR §1.47(a)
2. Executed Declaration of Facts in Support of Petition Under 37 C.F.R. 1.47.
3. A copy of the Notice of Incomplete Reply (Non-Provisional) mailed February 21, 2001.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

10/26/2004 JBALINAN 00000089 500872 10658115

01 FC:2255 985.00 DA



OCT 25 2004 4:45PM

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NO. 1039 P. 3

In re application of  
Downes et al.  
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below. A Petition for Extension of Time is enclosed.

[ ] Extension for response filed within the first month:	\$110.00	\$0.00
[ ] Extension for response filed within the second month:	\$430.00	\$0.00
[ ] Extension for response filed within the third month:	\$980.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,530.00	\$0.00
[ X ] Extension for response filed within the fifth month:	\$2,080.00	\$2,080.00
EXTENSION FEE TOTAL:		\$2,080.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$2,080.00
[ X ] Small Entity Fees Apply (subtract ½ of above):		\$1,040.00
[ X ] Subtract Extension Fee previously paid		55.00
	SUBTOTAL	985.00
[ X ] Petition Under 37 C.F.R. §1.47(a)	\$130.00	\$130.00
	TOTAL FEE:	\$1,115.00

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$1,115.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$0.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of  
Downes et al.  
Application No.: 10/558,115

Atty. Dkt. No. SALK3130-1 (088802-9702)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/25/04By Stephan E. Reiter

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
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Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192



023.261646.1

PAGE 4/13 \* RCVD AT 10/25/2004 7:44:29 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/0 \* DNIS:7464060 \* CSID: \* DURATION (mm:ss):03:34



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/658,115	09/08/2003	Michael R. Downes	SALK3130-1 (088802-9702)

## CONFIRMATION NO. 9689

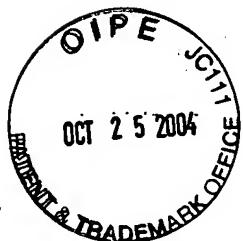
30542  
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## FORMALITIES LETTER



"OC000000013269502"

Date Mailed: 07/16/2004



## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 06/28/2004 to the Notice to File Missing Parts (Notice) mailed 03/23/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Robert Hughes, Kyriacos C. Nicolaou & Anthony J. Roedker*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

*Qales*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE

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